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Calendar No. 598

101ST CONGRESS *2d Session*	SENATE	REPORT 101-326

CERTIFICATION OF DOCUMENTATION FOR THE VESSEL "PUMPKIN"

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 2656

JUNE 8 (legislative day, APRIL 18), 1990.—Ordered to be printed

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2656]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2656) to authorize a certificate of documentation for the vessel *Pumpkin*, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

S. 2656, as reported, grants coastwise trading privileges to the vessel *Pumpkin*.

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act, section 27 of the Merchant Marine Act of 1920 (46 App. U.S.C. 883), together with the vessel documentation requirements, sections 12106 through 12108 of title 46, U.S. Code, provides that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens or corporations (whose noncitizen directors do not constitute more than a minority of the number of individuals necessary to constitute a quorum) may transport merchandise or passengers in the coastwise trade, or engage in the fisheries, of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading

or fishery privileges for that vessel unless the requirements of the Jones Act and title 46 are statutorily waived.

The vessel *Pumpkin,* U.S. official number 627259, is a 54-foot converted landing barge built in Marinette, Wisconsin, in 1968 and owned by Pacific Investments, an Alaskan corporation. For insurance purposes, the vessel was transferred to Alaska Apollo Gold Mines Ltd., a Nevada corporation, whose president owns a controlling interest in the present owner of the vessel, Pacific Investments, but whose directors include three noncitizens (Canadians), which is more than a minority of the amount necessary to constitute a quorum. Although the transfer was later voided by the corporations, the Coast Guard still refused to redocument the vessel. The owner intends to continue to use the vessel solely to transport fuel between sites in support of mining operations in the Shumagin Islands, in the Aleutian Islands of Alaska.

Since the vessel was transferred to a corporation whose noncitizen directors constitute a number greater than a minority of the number of individuals necessary to constitute a quorum, the vessel has had its coastwise trade privileges restricted. Therefore, the owner of the *Pumpkin* is seeking a statutory waiver of the Jones Act and title 46.

LEGISLATIVE HISTORY

S. 2656 was introduced on May 18, 1990, by Senator Stevens. In open executive session on May 22, 1990, the Committee considered S. 2656, and ordered the legislation reported favorably without objection and without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 25, 1990.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2656, a bill to authorize a certificate of documentation for the vessel *Pumpkin,* as ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 22, 1990. Enactment of S. 2656 would result in no cost to the federal government or to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 2656 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding sections 12106, 12107, and 12108 of title 46, U.S. Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of the bill, the vessel *Pumpkin*, U.S. official number 627259, is eligible to engage in the coastwise trade and the Fisheries and the Secretary of Transportation may issue a certificate of documentation for such vessel.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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